

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JATHAN D. EDWARDS,
WILLIAM C. MITCHELL and MARK A. ARPS

Appeal No. 2000-1244
Application 08/826,111

ORDER REMANDING TO EXAMINER

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed July 16, 1998 (Paper No. 8). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellants of the Primary Examiner's decision is required.

In addition, an amendment was filed by appellants on July 16, 1998 (Paper No. 9). Page 2 of the Office communication mailed August 4, 1998 (Paper No. 10) stated that "[t]he amendment

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filed 7/22/98 [sic], will be entered." A review of the record indicates the amendment was not entered.

Accordingly, it is

ORDERED that the application is remanded to the
Examiner:

1. for consideration of the IDS and appropriate notification to appellants;
2. for entry of the amendment filed July 16, 1998 (Paper No. 9); and
3. for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
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DS:psb

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